

## Hearing notes for 3/1/23

- My name is John Clark, I own a convenience store ~~with gasoline~~ in Stowe and am a resident of Hyde Park (pause)
- I am speaking today to voice my strong opposition to the proposed tobacco flavor ban under consideration by Vermont. This legislation picks winners and losers in the tobacco and alcohol space. My business will be one of the losers, but today I also want to speak on behalf of my customers because they will also be losers: they will lose their right of choice
- At my business, behind the counter as required, we sell ~~of~~ cigarettes, chewing tobacco, evape, and other tobacco products – because of this we are **diligent** in carding our customers. My point of sales system makes it very easy to do so using the bar codes on the back of licenses. We card customers **who purchase tobacco**.
- Tobacco consumption for traditional products like cigarettes and chewing tobacco has been falling for some time, I have seen this over my 20 years in the buiness
- Recently, marijuana was approved for sale in our state including edibles like marijuana gummy bears. (pause) What audience do these products appeal to? The same audience at which this flavor ban is aimed.
- You don't want this ban to be hypocritical, do you? At the state liquor stores, flavored vodkas, gins, rums are available for sale. Yesterday at the state liquor store in Stowe I found whipped cream and mango whipped cream flavored vodka, peppermint bark flavored rum, peanut butter flavored whiskey, and every fruit flavor imaginable. Vermont controls what is sold in these stores, why does Vermont allow these products to be sold, along with marijuana gummy bears and edibles and then turns around and bans similarly flavored tobacco products? Is alcohol perfectly fine and good for your health while and tobacco is not? This is hypocrisy.
- We have regular customers who buy Grizzly wintergreen, Skoal long cut mint and flavored pipe tobacco. Similarly we have customers who buy NEWPORT and MARLBORO menthol cigarettes, these customers are typically closer in age to me (I'm 65), than the audience this ban is intended to benefit. Why should they be denied products they have enjoyed for many years?

- The flavor ban in Massachusetts, was a huge boon to New Hampshire businesses on the NH/MA border.
- A Vermont flavor ban will have a similar effect. New Hampshire businesses will be winners and Vermont businesses will be losers.
- I understand the intent of the flavor ban. <sup>HOWEVER,</sup> If passed, there will be unintended consequences. Some customers will switch to unflavored tobacco products, some will switch to something else, what will that be? I don't know. Are we willing to risk them switching to something that is less healthy for them than what is being banned? This is something to consider.
- To conclude, although the flavor ban is being considered for public health reasons, there are other unhealthy products that are not being considered for banning. This law will determine who wins in the regulated tobacco and alcohol space and who loses. Big winners will be New Hampshire businesses who sell these products. My customers will lose their freedom of choice. ~~Vermont businesses will be losers and the state will lose tax revenue.~~ The ban will incentivize those who use them to switch to something else, leading to more bans in the future ~~leading to more~~ and more regulation of an already highly regulated market.
- Bans don't work. It didn't work with prohibition. It didn't work with marijuana, and it won't work with a flavor ban. People will find work arounds and manufacturers will develop new products not subject to the ban.
- Thank you